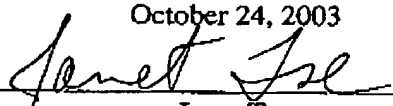


FEB 26 2004

OFFICIAL

Patent Docket No. PP1777R1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Devaux et al.  Serial No.: 09/268,705  Filed: October 27, 2000  For: ANTI-TUMOR ANTIBODY COMPOSITIONS AND METHODS OF USE	Group Art Unit: 1642  Examiner: M. Yu  Customer No. 09157  Confirmation No. 6130  <div style="text-align: center;">CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  October 24, 2003  Janet Tse</div>
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SUPPLEMENTAL RESPONSE UNDER 37 CFR §1.111

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This supplemental reply is submitted in further response to the Office Action dated July 29, 2003, in connection with the above-identified application. A response to the Office Action is due on October 29, 2003. A first response to this Action was filed on September 30, 2003.

The sole rejection of the pending claims in this application is directed to the language in the specification relating to the deposit of materials under the Budapest Treaty. Applicants fully addressed this rejection in the previous response filed on September 30, 2003, and maintain that the language in the specification at the last paragraph straddling pages 73 and 74, which states that the deposit of the cell lines was made under the terms of the Budapest Treaty "which assures permanent and unrestricted availability of the progeny of the cultures to the public upon the issuance of the pertinent U.S. patent..." satisfies the cell line deposit requirements and should have addressed the Office's concerns. However, in a telephonic discussion with the Examiner

Appl. no. 09/698,705

Suppl. Reply to Office action of 07/29/2003

today, the Office requested that the undersigned file a statement to provide the preferred language relating to the availability of the deposits to the public. Accordingly, in the interest of expediting prosecution, the undersigned states as follows. The undersigned, an agent of record in the above-referenced application, states that the deposits have been made under the terms of the Budapest Treaty and that subject to 37 CFR §1.808 (b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.

Reconsideration of the application in view of the preceding remarks and early allowance of the claims are respectfully requested

If the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 07-0630 (Ref. Docket No. P1777R1).

Respectfully submitted,  
GENENTECH, INC.

Date: October 24, 2003

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document# 143389